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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,382	04/30/2001	Masakazu Hayashi	450100-03199	2746

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NEW YORK, NY 10151

EXAMINER

NGUYEN, FRANCIS N

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 06/18/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/845,382

Applicant(s)

HAYASHI ET AL.

Examiner

FRANCIS NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 10, 15, 16, 19, 24, 25, 28, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8, 9, 11-14, 17, 18, 20-23, 26, 27, 29-32, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on 3/21/2003 is entered.

### *Claim Objections*

2. Claims 2, 11, 20, 29 are objected to because of the following informalities: incorrect phrases “ corresponding to contents of said desired data file”, “on the basis of the contents of said desired data file” ( claim 2, lines 1-4 on page 2 of Amendment, claim 11, 1-4 on page 3, claim 20, lines 1-4 on page 5, claim 29, lines 1-4 on page 6). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-7, 10, 15-16, 19, 24-25, 28, 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. ( US Patent 5,917,488).

As to claims 1, 10 and 28, Anderson et al. discloses a displaying apparatus for displaying image information and associated method ( **column 1, lines 8-10** ) corresponding to a data file ( image data set , column 3, lines 5-6 ), in a specific display area ( **displayed window shown in figure 6** ), comprising:

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means for dividing (operating system 114 executable by processing unit 104 providing a GUI, column 5, lines 53-59, application program, column 5, lines 66-67) said specific display area into a first number of areas ( plurality of thumbnail images shown in figure 6);

means for generating image data ( camera 108, column 5, line 108, shown in figure 1, generates image data corresponding to a mode (**mode is type of image data accessed by media panel unit 116 shown in figure 2**) corresponding to said data file and

means for displaying ( viewer panel unit **118 shown in figure 1 manages the display and manipulation of image data sets, column 6, lines 24-25** ) each of said divided areas ( thumbnails, column 3, lines 56-62) in said mode ( still panel 202 for viewing and editing still images, movie panel 204 for viewing and editing movies, text panel 206 for viewing and editing text , column 6, lines 1-8) .

As to claim 19, see the same citations for claim 1 and 10. Note that Anderson et al. teaches a medium for storing a program for displaying information ( memory 112 shown in figure 1 ).

As to claims 6, 15, 24 and 33, Anderson et al. teaches a desired data file is an audio file ( sound clip data set, column 6, lines 12-14 ).

**Note that Anderson et al.** teaches a medium for storing a program for displaying information ( memory 112 shown in figure 1 ).

)

As to claims 7,16, 25 and 34, Anderson et al. teaches a desired data file is a text ( text panel 206 helps viewing and editing text ( column 6, lines 4-5). **Note that Anderson et al.** teaches a medium for storing a program for displaying information ( memory 112 shown in figure 1 ).

*Allowable Subject Matter*

4. Claims 2-5, 8-9, 11-14, 17-18, 20-23, 26-27, 29-32, 35-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claims 2-3, 8, 11-12, 17, 20-21, 26, 29-30, 35 none of prior art teaches a displaying apparatus/method/medium for storing program for displaying image information corresponding to a desired data file in a specific display area, comprising means for dividing said specific area into a first number of areas, means for displaying each of divided areas in a mode corresponding to contents of a desired data file, wherein said mode is determined by changing lightness or saturation of one or a plurality of pixels on the basis of the contents of said desired data file.

As to claims 4-5, 13-14, 22-23, 31-32, none of prior art teaches a displaying apparatus/method/medium for storing program for displaying image information corresponding to a desired data file in a specific display area, comprising means for dividing said specific area into a first number of areas wherein said first number is a number changed depending on the size of said data file.

As to claims 9, 18, 27 and 36, none of prior art teaches a displaying apparatus/method/medium for storing program for displaying image information corresponding to a desired data file in a specific display area, comprising means for dividing said specific area into a first number of areas, means for displaying each of said divided areas in a mode corresponding to contents of

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said desired data file, wherein said desired data file is a text file and wherein all or part of the contents of said text file is displayed in the form of text in such a manner as to be overlapped to said image information.

***Response to Arguments***

5. Applicant's arguments filed 3/21/2003 have been fully considered but they are not persuasive.

Applicant's argument as to cited art failing to teach generating image data step of amended claim 1 is not valid because Anderson et al. discloses a camera 108 (column 5, line 108, shown in figure 1) for generating image data corresponding to a mode **(mode is type of image data, and user interface taught by Anderson et al. provides media panel unit 116 shown in figure 2 to access image data of still/ movie/text modes )**. The same argument applies to **claims 10, 19 and 28**.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### CONCLUSION

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANCIS N NGUYEN** whose telephone number is **703 308-8858**. The examiner can normally be reached during hours 8:00 AM- 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached at 703 305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

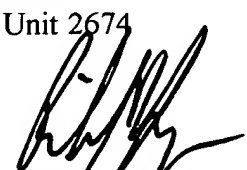
**(703) 872-9314 ( for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor ( Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service whose telephone number is (703) 306-0377.

*FW*  
June 13<sup>th</sup>, 2003

FRANCIS N NGUYEN  
Examiner  
Art Unit 2674

  
RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600